

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of : Customer Number: 53080  
Hiroyuki HAYASHIKAWA, et al. : Confirmation Number: 7184  
Application No.: 10/576,688 : Tech Center Art Unit: 2828  
Filed: April 21, 2006 : Examiner: Kinam PARK  
For: GAS LASER OSCILLATOR

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF APPEALS**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated June 9, 2008 of the Primary Examiner finally rejecting claims 1-3.

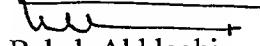
Appeal Fee: \$540.00

- Not required (fee paid in prior appeal in this application).  
 Charge to Deposit Account No. 500417.  
 Check Enclosed.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

  
Babak Akhlaghi

Limited Recognition No. L0250

Please recognize our Customer No. 53080  
as our correspondence address.

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**Date: November 10, 2008**